

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 02/16/2010 is acknowledged. The applicant has cancelled claims 1-22, 24, 28-32, 39-40, 43-44, 46-59, 73-76 and 81-84. Claims 23, 25-27, 33-38, 41-42, 45, 60-72 and 77-80 have been presented for examination.

Remarks

2. The applicant cancelled original claims 1-8 in response to a restriction requirement. However, the cancellation of original claims is an error. The Examiner has withdrawn the restriction requirement of claims 1-8 stated in previous office action(s).

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Atty. Samuel W. Ntiros (Reg. No. 39,318) on 21 April 2010.

The application has been amended as follows:

a. The Examiner has withdrawn the restriction requirement of claims 1-8 stated in office action of 09/24/2007. The applicant's cancellation of claims 1-8 have been voided. Claims 1-8 have been reinstated for examination. Claims 1-8, 23, 25-27, 33-38, 41-42, 45, 60-72 and 77-80 are pending in the application.

Drawings

4. The drawings filed on 05/27/2008 are objected to because it does not comply with 37 CFR 1.173 (b) (3) which states:

One or more patent drawings shall be amended in the following manner: Any changes to a patent drawing must be submitted as a replacement sheet of drawings which shall be an attachment to the amendment document. Any replacement sheet of drawings must be in compliance with § 1.84 and shall include all of the figures appearing on the original version of the sheet, even if only one figure is amended. Amended figures must be identified as “Amended,” and any added figure must be identified as “New.” In the event that a figure is canceled, the figure must be surrounded by brackets and identified as “Canceled.” All changes to the drawing(s) shall be explained, in detail, beginning on a separate sheet accompanying the papers including the amendment to the drawings.

- (i) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be included. The marked-up copy must be clearly labeled as “Annotated Marked-up Drawings” and must be presented in the amendment or remarks section that explains the change to the drawings.
- (ii) A marked-up copy of any amended drawing figure, including annotations indicating the changes made, must be provided when required by the examiner.

The applicant is required to file drawing sheets marked “Replacement Sheet” and other requirements as indicated above, along with a detailed explanation of the changes on a separate sheet.

5. A marked-up copy of any amended drawing figure, including annotations indicating the changes made, is required for the examination of the instant re-issue application.
6. Corrected drawing sheet(s) **in compliance with 37 CFR 1.173 (b)** are required in reply to the Office action.

Oath/Declaration

7. The Oath/Declaration does not comply with 37 CFR §§ 1.63 and 1.75 for the following reason:

For any error corrected, which is not covered by an oath or declaration, i.e., any error corrected after the filing of all oaths and declarations currently in the reissue application, **applicant MUST submit a supplemental oath or declaration** (a “catch-up” oath or declaration) prior to allowance stating “Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant” (37 CFR 1.175(b)(1)), or language equivalent thereto. **See MPEP 1444 for handling supplemental oaths and declarations.**

8. A supplemental Oath/Declaration is required because amendments have been made to the drawings and the specification.

Ex parte Quayle

9. This application is in condition for allowance except for the following formal matters:

Please see numbered paragraphs 2-8 above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213, (Comm’r Pat. 1935).

10. The applicant is requested to reinstate the original claims, claims 1-8, and **re-present** them along with the new claims, claims 23, 25-27, 33-38, 41-42, 45, 60-72 and 77-80.
(Applicant may use the same claim format used in the papers filed on 05/08/2007.)

Art Unit: 2886

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Allowable Subject Matter

11. In claims 1, 6, 23, 25 and 41, the limitation same row electrode is concerned in the discharge/emitting light of at least two adjacent cells in the column direction, in combination with the rest of the limitations of the respective claims, is allowable subject matter.

12. In claim 60, the limitation applying alternating voltages to the second row electrode to control sustain discharges in the first and second cells, wherein the first, second, and third row electrodes are on a first substrate and column electrodes in the first and second cells are on a second substrate, in combination with the rest of the limitations of claim 60 is allowable subject matter.

Contact/Status Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **(571)272-2427**. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Tarifur R. Chowdhury** can be reached on **571-272-2287**. The **Fax** number for the organization where this application or proceeding is assigned is **571-273-8300**.

Art Unit: 2886

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roy M. Punnoose/
Primary Examiner
Art Unit 2886